

III. REMARKS

Applicants have considered the Office Action with mailing date of November 17, 2006.

Claims 1 – 20 are pending in this application. By this amendment, claims 1 – 4, 6 – 8, 10, 14 – 15, 17 and 20 have been amended, and claim 18 has been canceled. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 15 – 20 are rejected under 35 U.S.C. §101 as allegedly being not directed to statutory subject matter; and consequently under 35 U.S.C. §112, ¶ 1 as not meeting the utility requirement. Claims 1 - 20 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Allen et. al. (U.S. Pub. No. 2005/0050500), hereinafter “Allen”. Applicants disagree with the Office’s interpretation of the claimed invention and respectfully traverse the rejections on the following grounds.

A. REJECTION OF CLAIMS 15-20 UNDER 35 U.S.C. §101 and §112, ¶1

With respect to the Office’s rejection of claims 15 – 20, Applicants haven amended claim 15 which recites, *inter alia*, “[a] computer program product ... executable by a computer...”. The amended claim explicitly sets out that the functionality of the claimed manufacture, a computer program product, is actualized through an interrelationship with a computer (i.e., hardware) when executed therein. Therefore, Applicants believe that currently amended claim 15, is directed to statutory subject matter. Consequently, Applicants respectfully request that the Office withdraw the rejection and allow the claims.

With respect to the Office’s rejection of claims 15 – 20 under 35 U.S.C. §112, ¶ 1, as allegedly not meeting the utility requirement, Applicants respectfully submit that currently amended claim 15 asserts a utility appreciable by a person of ordinary skill. Specifically, the claimed manufacture provides a specific, substantial and credible utility in correcting via spacing violations through “[a] computer program product... executable by a computer...”. Claim 15. A person of ordinary skill would appreciate the utility of such a computer executable program product for generating a redundant via to correct a ground rule violation. Accordingly, Applicants respectfully request that the Office withdraw this rejection and allow the claims.

B. REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. §102(e)

With respect to the rejection of independent claims 1, 8 and 15 under 35 U.S.C. §102(e) as allegedly being anticipated by Allen, Applicants submit that Allen does not teach each and every feature of the claimed invention. The Office asserts that the adding of a redundant via followed by removal of the original via in Allen, page 3 of current Office Action, corrects a ground rule violation. Applicants respectfully disagree, and submit that the Office’s conclusion is unsupported by Allen. Allen never discloses, *inter alia*, correction of a ground rule violation or identification of a target via pair that violates a ground rule. In contrast, Allen teaches the use of “marker shapes and expanding the marker shapes to the extent permitted by the design ground rules.” Allen at, *inter alia*, para. [0024]. That is, there are no ground rule violations in Allen, and the evaluation of target vias is not based on a ground rule violation existing. Accordingly, Applicants respectfully request that the Office withdraw this rejection and allow claims 1, 8 and 15.

With respect to remaining dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims 1, 8 and 15 from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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